Supreme Court of the United States

OCTOBER TERM, 1976

No. 76-[illegible]

The United States, Appellant

v.

Edward A. Hooley, Appellee

MOTION TO ADVANCE

Supreme Court of the United States.

OCTOBER TERM, 1901.

No. 559.

THE UNITED STATES, Appellant.

vs.

EDWARD A. MOSELEY, Appellee.

MOTION TO ADVANCE.

Edward A. Moseley, appellee, by his attorney, moves the Court to advance this cause on the docket, and set down the appeal for argument and submission, for an early day in the next term of the Court, and for grounds of this motion says:

1 The Comptroller of the Treasury asserts the right to require the production by the appellee, who is disbursing agent of the Interstate Commerce Commission, not only the vouchers for items of disbursement made by him for telegrams received and sent on official business by the Commission, but also the telegrams themselves, that he, the Comptroller, may examine their contents. The Commission, by special orders, have commanded this appellee, not to produce these telegrams, because the disclosure of their contents would be prejudicial to the public interests. And this appellee has furnished the Comptroller with a copy of that order.

2 On three several occasions has the Comptroller disallowed to this appellee the items for expenditures for telegrams in his quarterly accounts as disbursing agent of the Interstate Commerce Commission, and twice has this appellee been compelled to resort to the Court of Claims for redress. Each time has he recovered judgment for the amount which he has been required to pay into the Treasury, the Court of Claims sustaining him in his refusal to produce such telegrams before the Comptroller. Yet has the Comptroller disregarded those judgments of the Court of Claims, and has continued to disallow to appellee, in his accounts as such disbursing agent, all items of expenditures for such telegrams.

3 That appellee may not be compelled to resort to the Court of Claims for redress from such disallowances after the presentation of his accounts for settlement at the end of each quarter; that he, as well as all other disbursing officers and agents of the United States, may have definitely ascertained and determined their rights and duties in the premises, it is of the utmost importance that the questions presented in this case should be decided as speedily as possible.

4 The United States, appellant, concurs in this motion.

EDWARD A. MOSELEY.

BY HOLMES CONRAD,

Attorney.

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